

ASSEMBLY BILL

No. 1742

Introduced by Assembly Member Coto

February 8, 2010

An act to add Section 1021.11 to the Code of Civil Procedure, relating to attorneys' fees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1742, as introduced, Coto. Attorneys' fees: civil actions.

Existing law provides that attorneys' fees allowed by contract, statute, or law are costs, and the prevailing party in any action or proceeding is entitled to a recovery of costs as a matter of right. Existing law also provides that, except as attorneys' fees are specifically provided for by statute, the measure and mode of compensation of attorneys is controlled by the agreement of the parties.

This bill would authorize a court, upon motion, to award attorneys' fees to a successful plaintiff in an action for damages arising out of the fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property by the defendant.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1021.11 is added to the Code of Civil
- 2 Procedure, to read:
- 3 1021.11. Upon motion, a court may award attorneys' fees to
- 4 a successful plaintiff in an action for damages arising out of the

- 1 fraud, theft, embezzlement, fraudulent conversion, or
- 2 misappropriation of property by the defendant.

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